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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

CLINE et al

Serial No. 09/913,955

Filed: August 21, 2001

For: COMPOSITION, METHODS AND REAGENTS  
FOR THE SYNTHESIS OF A SOLUBLE FORM  
OF HUMAN PHEX



**RECEIVED**

OCT 07 2002

Atty. Ref.: 163-35

TECH CENTER 1600/2900

Group: 1652

Examiner: Ramirez, D.M.

\* \* \* \* \*

October 2, 2002

Assistant Commissioner for Patents  
Washington, DC 20231

10/03/2002 SSESHE1 00000084 09913955

01 FC:116

400.00 OP

**RESPONSE**

Sir:

In response to the Official Action mailed July 2, 2001, Applicants hereby  
elect Group I. This election is made with traverse.

MPEP Section 803 states that:

"If the search and examination of an entire application can be made without  
serious burden, the examiner must examine it on the merits, even though it  
includes claims to independent or distinct inventions."

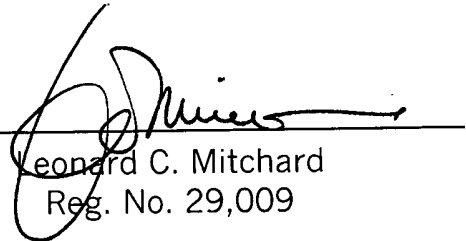
The Examiner has identified eleven (11) groups in this case. However, the  
action does not identify any classes and subclasses, as usually occurs in  
restriction requirements. As a result, it is not possible to ascertain whether the  
identified groups are classed in the same or different classes/subclasses, and  
thus whether searching of two or more Groups can be conducted "without serious

burden". If the eleven-way restriction requirement is maintained, the applicants will be forced to submit ten divisional applications to cover the other Groups, thereby giving rise to significant additional expense. As it is not possible to determine whether searching the pending claims will give rise to a "serious burden" (since the classes and subclasses are not provided), Applicants request that such information be provided on a further action in this case.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
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In re Patent Application of

Atty Dkt. 163-35

C# M#

CLINE et al

OCT 02 2002

Group Art Unit: 1652

Serial No. 09/913,955

Examiner: Ramirez, D.M.

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Title: COMPOSITION, METHODS AND REAGENTS FOR THE SYNTHESIS OF A SOLUBLE FORM OF HUMAN PHEX

Assistant Commissioner for Patents  
Washington, DC 20231

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TECH CENTER 1600/2900

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 400.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 400.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 400.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON &amp; VANDERHYE P.C.

By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: 